



Express Mail No. EV 687 636 854 US

<b>RESPONSE TO RESTRICTION REQUIREMENT</b>  Address to: Mail Stop Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	Docket No.	BERK-016CIP
	Application No.	10/762,769
	Confirmation No.	3105
	Filing Date	January 21, 2004
	Examiner	Raghu, Ganapathiram
	Group Art Unit	1652

Sir:

This communication is submitted in response to the Restriction Requirement dated December 29, 2005. The Examiner therein required election of one of the following groups of claims:

Group I: Claims 1-9, drawn to a method of hydrogen gas generation comprising the steps of culturing unicellular, photosynthetic, anoxygenic algae under illuminated conditions in sulfur containing media, wherein the sulfate permease expression of algae is reduced compared to the wild-type;

Group II: Claim 10, drawn to isolated polynucleotide with SEQ ID NOs: 2, 3, 4, 5 and 6 and a sequence which hybridizes to any one of the said sequences;

Group III: Claim 11, drawn to an isolated polypeptide with SEQ ID NO:1,

Group IV: Claims 12-18, drawn to a product, genetically modified algae wherein the sulfate uptake pathway is downregulated 50% or less relative to wild-type, wherein expression of endogenous gene *CrcpSulP* is downregulated by insertion of antisense sequence to the said mRNA transcript;

Group V: Claim 19, drawn to an assay for detecting low levels of sulfur uptake and aryl-sulfatase activity;

Group VI: Claims 20-22, drawn to an isolated antisense oligonucleotide, consisting of a complementary sequence complementary to SEQ ID NO:2 and an expression vector;

Group VII: Claims 23-24, drawn to a composition comprising an algae and bacteria;  
or

Group VIII: Claims 25-31, drawn to a method of generating hydrogen gas comprising the use of algae, photosynthetic bacteria and *Chlostridium*.

The Applicants hereby elect to prosecute the claims of Group I, claims 1-9, with traverse. Applicants further elect the species of SEQ ID NO.:2.

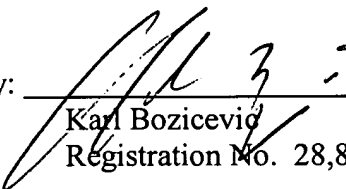
As stated in the MPEP §803, if search and examination of an entire application can be made without serious burden, the examiner must examine the entire application on the merits, even though the entire application includes claims to independent or distinct inventions. It is the Applicants' position that it would not be unduly burdensome to perform a search on all of the claims together in the present application. Accordingly, the Applicants traverse the restriction requirement.

The Applicants expressly reserve the right under 35 USC §121 to file a divisional application directed to the non-elected subject matter or any subject matter disclosed in this application during the pendency of this application.

The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16 and 1.17 which may be required by this paper, or to credit any overpayment, to Deposit Account No. 50-0815, order number BERK-016CIP.

Respectfully submitted,  
BOZICEVIC, FIELD & FRANCIS LLP

Date: 27/FEB/06

By:   
Karl Bozicevic  
Registration No. 28,807

BOZICEVIC, FIELD & FRANCIS LLP  
1900 University Avenue, Suite 200  
East Palo Alto, California 94303  
Telephone: (650) 327-3400  
Facsimile: (650) 327-3231

F:\DOCUMENT\BERK\016CIP\rest req.doc